REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicants cancel claims 3, 10, 17 and 21 without disclaimer of the underlying subject matter or prejudice against subsequent prosecution. Applicants also amend claims 1-2, 4-9, 11-16, 18-20 and 22. Accordingly, claims 1-2, 4-9, 11-16, 18-20 and 22 are pending in the application.

Applicants acknowledge that claim 22 has been indicated to define patentable subject matter and would be allowable if rewritten in independent form including all features of the base claim and any intervening claims. By this Amendment, Applicants amend claim 22 to be in independent form including all features of the base claim 21. Therefore, claim 22 is now deemed to be in condition for allowance.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

35 U.S.C. §§ 102 and 103

The Office Action rejects claims 1, 7-8, and 14-15 under 35 U.S.C. § 103 over Strolle et al. U.S. Patent Application Publication 2004/0028076 ("Strolle") in view of Limberg U.S. Patent Application Publication 2004/0028076 ("Limberg"); claims 2, 9 and 16 under 35 U.S.C. § 103 over Strolle in view of Limberg and further in view of Hurst, Jr. U.S. Patent 6,034,731 ("Hurst"); and claims 4-6, 11-13 and 18-20 under 35 U.S.C. § 103 over Strolle in view of Limberg and Hurst further in view of Fimoff U.S. Patent Application Publication 2001/0055342 ("Fimoff").

Applicants respectfully submit that all of the claims are patentable over the cited art for at least the following reasons.

Claim 1

Among other things, the packet formatter of claim 1 includes a processing block capable of determining the locations of the parity bytes within the current packet according to the current packet's position within its frame, in response to which the first processing block removes the header bytes and parity bytes from dual bitstream signal to output a first output signal.

Applicants respectfully submit that no combination of the cited references would ever produce a packet formatter including this combination of features.

The Office Action fairly admits that Strolle and Limberg do not disclose or suggest these features.

Instead, the Office Action states that Fimoff discloses a feature of determining the locations of the parity bytes in a robust stream.

However, Fimoff does not disclose determining the locations of the parity bytes in a current packet within a frame according to the current packet's position within its frame.

Also, Applicants traverse the proposed combination of Strolle, Limberg and Fimoff because the proposed reason for the combination does not make any sense. The Office Action states that it would have been obvious to have included adapted method in Strolle's Robust Post Processor 340 to discard headers and parity symbols within the robust stream. However, the Office Action states that header bytes are removed in Strolle's system by the Reed-Solomon decoder 332 – which well upstream from the Robust Post Processor 340. So it would not have been obvious to have modified Strolle's Robust Post Processor 340 to discard headers and parity symbols within the robust stream – because this symbols (actually, bytes) have already been removed well in advance of the Robust Post Processor 340. Furthermore, since the locations of the parity bytes are not dependent upon the position of the current packet within the frame in the bitstreams by Strolle's system, there would be no reason to modify Strolle's system to include a processing block anywhere to determine these positions.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 1 is patentable over the cited art.

Claim 8

Among other things, the method of claim 8 includes determining the locations of the parity bytes within a current packet according to the current packet's position within its frame.

As explained above with respect to claim 1, Applicants respectfully submit that

the prior art does not disclose or suggest any method including such a feature. Applicants also respectfully traverse the proposed combination of proposed combination of Strolle, Limberg and Fimoff for at least the reasons set forth above with respect to claim 1.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 8 is patentable over the cited art.

Claim 15

Among other things, the receiver of claim 15 includes a processing block capable of determining the locations of the parity bytes within the current packet according to the current packet's position within its frame, in response to which the first processing block removes the header bytes and parity bytes from dual bitstream signal to output a first output signal.

As explained above with respect to claim 1, Applicants respectfully submit that the prior art does not disclose or suggest any method including such a feature. Applicants also respectfully traverse the proposed combination of proposed combination of Strolle, Limberg and Fimoff for at least the reasons set forth above with respect to claim 1.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 15 is patentable over the cited art.

Claims 2, 4-7, 9, 11-14, 16, 18-20

Claims 2, 4-7, 9, 11-14, 16, 18-20 depend variously from claims 1, 8 and 15, and are deemed patentable over the cited art for at least the reasons set forth above with respect to claims 1, 8 and 15.

CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-2, 4-9, 11-16, 18-20 and 22 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these

matters.

Respectfully submitted,

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